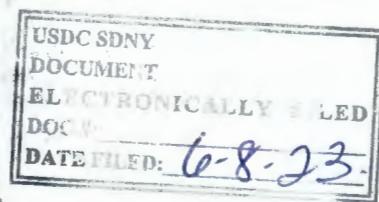




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June 1, 2023

DELIVER VIA ECF

The Honorable Lewis A. Kaplan
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: **United States v. Ofer Abarbanel**
21 Cr. 532 (LAK)

Dear Judge Kaplan:

We write to respectfully request a modification of the conditions of release for Mr. Ofer Abarbanel, which were set on July 8, 2021, by Magistrate Judge James L. Cott. Among the conditions that Judge Cott set for Mr. Abarbanel's release is that he is to "avoid all contact, directly or indirectly (including by any electronic means), with any person who [is] a known victim or witness in the subject investigation or prosecution."

The Court sentenced Mr. Abarbanel to 48 months imprisonment on May 17, 2023, and allowed him to continue to remain on release pursuant to the bail conditions until his surrender date of September 12, 2023. While Mr. Abarbanel's criminal proceedings are resolved, he is subject to an ongoing civil action brought by the U.S. Securities and Exchange Commission ("SEC") (Civil Action No. 21-CV-5429 (RA)), and is involved in ongoing proceedings in the Cook Islands related to the "Income Collecting 1-3 Months T-Bills Mutual Fund." Mr. Abarbanel does not presently have counsel for the SEC matter (we were appointed for the criminal matter pursuant to the Criminal Justice Act because Mr. Abarbanel lacked sufficient funds to retain counsel) and is thus representing himself *pro se*. The current bail conditions make it difficult for Mr. Abarbanel to represent himself in the SEC matter because he is unable to contact many potential witnesses.

Because the criminal matter has concluded and there is no risk of Mr. Abarbanel's contact with a victim or witness hampering a potential trial or resolution in this case, we respectfully request that the Court modify his conditions of release so that he "may contact (including by any electronic means) the counsel of any person who is a known victim or witness in the subject investigation or prosecution and is represented by counsel, and may directly contact (including by any electronic means) any person who is a known victim or witness in the subject investigation or prosecution and is not represented by counsel."

SO ORDERED

LEWIS A. KAPLAN



Honorable Lewis A. Kaplan

June 1, 2023

The Government does not object to this request. 

Respectfully Submitted,



A handwritten signature in black ink, appearing to read "Glen G. McGorty".

cc: AUSA Allison Nichols
Southern District of New York